

REMARKS

Entry of the amendment is respectfully requested since it would reduce the issues on appeal and does not introduce new issues or new matter. Reconsideration is also requested in light of the remarks that follow.

Upon entry of the amendment, claims 1 and 4-32 are pending. Claim 2 has been cancelled. Claim 1 has been amended to include the subject matter of cancelled claim 2 and to replace "consisting essentially of" with -consisting of-. In addition, claim 32 has been amended to be consistent with the closed nature of "consisting of". (The role of the fixative particles is described on pages 12 and 13 of the specification starting at line 8 on page 12.) Claims 6-23 have been withdrawn from consideration under 37 CFR 1.142(b) by the Examiner as directed to non-elected subject matter.

Claims 1, 2, 4, 5 24-27 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al (WO 97/45502). Applicants respectfully traverse.

For a reference to be anticipatory, it must teach each and every element required by the claim.

Watanabe (The Office Action references U.S. 6,337,129 as the English equivalent of WO 97/45502.) teaches an antifouling surface. The surface has both a hydrophobic portion and a hydrophilic portion. The hydrophilic portion is induced by photoexcitation of the photocatalyst. The Watanabe surface contains a photocatalytic oxide (e.g. titanium oxide), a silicone resin or silica and a water repellant floureresin. See, for example, col. 2 at lines 5-42 and col. 3 at lines 60-64.

The claimed surface consists of hydrophilic silica particles. It does not contain a photocatalytic oxide or a water repellant floureresin as these are excluded by "consisting of". The hydrophilic quality of the claimed surface is due solely to the presence of hydrophilic silica particles and not to photoexcited titanium oxide.

In light of the amendments, withdrawal of the rejection is respectfully requested.

Claims 28-31 are rejected under 35 U.S. C. 103(a) as being unpatentable over Watanabe et al. (WO 97/45502). Applicants respectfully traverse.

Claim 1, upon which claims 28-31 depend, has been amended. As amended the claims would require the selection of hydrophilic silica and the removal of both the photocatalytic oxide, such as titanium oxide, and the fluoro-resin from the Watanabe composition and further the selection of hydrophilic silica particles as the silicone resin or silica species. The rationale for doing this is not clear. Such selection would appear to mitigate against the proper functioning of the Watanabe invention which relies on photoexcitation of a photocatalytic oxide such as titanium oxide and the presence of both a hydrophobic and hydrophilic surface portions. The hydrophobic quality is imparted by the presence of the fluoro-resin. See, especially, col. 6 starting at line 6.

Further, the Examiner references optimization of Watanabe surface as a means for arriving at the invention as claimed. It is not seen how the explicit teaching of the presence of both hydrophilic and hydrophobic surface portions would allow one to arrive at a surface which is solely hydrophilic in the absence of some additional teaching. Please note especially the passage starting at line 36 of col. 6 - hydrophobic fluoro-resin is preferably present in the surface at about 20 to 60 % by weight and the photocatalytic oxide is preferably present at about 10 to 80% by weight.

It is respectfully submitted that reliance on Watanabe alone does not establish a proper prima facie case of obviousness. Withdrawal of the rejection is respectfully requested.

Claims 1-5 and 24-27 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-35, 1-31, 1-16, 1-31, 1-21 of copending Application Nos. 10/214,202 ('202); 11/346,448 ('448); 11/346,427 ('427); 10/293,302 ('302); 10/309,297 ('297). Applicants respectfully traverse.

Each of the identified applications are indicated in the PAIR system as abandoned for failure to respond to an Office Action. See enclosures.

The claims as they appear in PAIR have been considered as have the claims in each of the published applications-Nos. 2003-0147932, 2006-0127644, 2006-0127643, 2003-0134086 and 2003-0108716. None disclose or claim a surface which consists of hydrophilic silica. For example, claim 1 of the '202 application is directed to a lotus-effect surface which has a hydrophobic character; claim 1 of the '448 application is directed to a diffuse-reflection surface with a light transmitting coating; claim 1 of the '427 application is directed to a light scattering

material which comprises a transparent material and a coating; claim 1 of the '302 application is directed to a diffuse-reflection surface- a substrate coated with hydrophobic and hydrophilic particles; and claim 1 of the '297 application is directed to a light-scattering material- a transparent material and a coating having both hydrophilic and hydrophobic particles.

None of the claims recite hydrophilic silica particles. None are directed to a hydrophilic surface composed of silica particles.

If the claims are to serve as "teachings", it is not seen how these teachings are suggestive of the inventions as now claimed since none read on or suggest a hydrophilic surface which consists of hydrophilic silica particles.

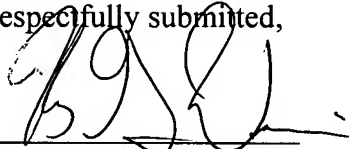
The instant claims maintain a clear line of demarcation between the instant application and those identified in the Office Action. It is not seen how the instant claims extend the monopoly of any one of the identified applications, especially since the PTO records, available to the undersigned indicate each of these application is abandoned.

Should the Examiner maintain this rejection, Applicants reserve the right to file a terminal disclaimer which obviate the rejection.

Reconsideration is respectfully requested and withdrawal of the provisional rejection is believed to be in order.

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance, and Notice to that effect is respectfully requested. If the Examiner believes that prosecution would be expedited by a telephonic interview, he is invited to telephone the undersigned.

Respectfully submitted,



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Date: July 30, 2007

10/214,202 Self-cleaning lotus effect surfaces having antimicrobial properties

07-24-
2007::14:12:10**Bibliographic Data**

Application Number:	10/214,202	Customer Number:	-
Filing or 371 (c) Date:	08-08-2002	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	12-08-2004
Examiner Name:	LEVY, NEIL S	Location:	ELECTRONIC
Group Art Unit:	1616	Location Date:	-
Confirmation Number:	3278	Earliest Publication No:	US 2003-0147932 A1
Attorney Docket Number:	220898US0	Earliest Publication Date:	08-07-2003
Class / Subclass:	424/405	Patent Number:	-
First Named Inventor:	Edwin Nun , Billerbeck, (DE)	Issue Date of Patent:	-

Title of Invention: Self-cleaning lotus effect surfaces having antimicrobial properties

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11/346,448 Diffuse-reflection surfaces and process for their production

07-24-
2007::14:13:18**Bibliographic Data**

Application Number:	11/346,448	Customer Number:	-
Filing or 371 (c) Date:	02-03-2006	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	11-24-2006
Examiner Name:	WATKINS III, WILLIAM P	Location:	ELECTRONIC
Group Art Unit:	1772	Location Date:	-
Confirmation Number:	1302	Earliest Publication No:	US 2006-0127644 A1
Attorney Docket Number:	285548US0CONT	Earliest Publication Date:	06-15-2006
Class / Subclass:	428/143	Patent Number:	-
First Named Inventor:	Edwin Nun , Billerbeck, (DE)	Issue Date of Patent:	-

Title of Invention: Diffuse-reflection surfaces and process for their production

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11/346,427 Light-scattering materials which have self-cleaning sufraces

07-24-
2007::14:14:03**Bibliographic Data**

Application Number:	11/346,427	Customer Number:	-
Filing or 371 (c) Date:	02-03-2006	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	11-24-2006
Examiner Name:	WATKINS III, WILLIAM P	Location:	ELECTRONIC
Group Art Unit:	1772	Location Date:	-
Confirmation Number:	1254	Earliest Publication No:	US 2006-0127643 A1
Attorney Docket Number:	285556US0CONT	Earliest Publication Date:	06-15-2006
Class / Subclass:	428/141	Patent Number:	-
First Named Inventor:	Edwin Nun , Billerbeck, (DE)	Issue Date of Patent:	-

Title of Invention: Light-scattering materials which have self-cleaning sufraces

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10/293,302 Diffuse-reflection surfaces and process for their production

07-24-
2007::14:14:32**Bibliographic Data**

Application Number:	10/293,302	Customer Number:	-
Filing or 371 (c) Date:	11-14-2002	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	11-24-2006
Examiner Name:	WATKINS III, WILLIAM P	Location:	ELECTRONIC
Group Art Unit:	1772	Location Date:	-
Confirmation Number:	6900	Earliest Publication No:	US 2003-0134086 A1
Attorney Docket Number:	224599US0X	Earliest Publication Date:	07-17-2003
Class / Subclass:	428/143	Patent Number:	-
First Named Inventor:	Edwin Nun , Billerbeck, (DE)	Issue Date of Patent:	-

Title of Invention: Diffuse-reflection surfaces and process for their production

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10/309,297 Light-scattering materials which have self-cleaning surfaces

07-24-
2007::14:15:21**Bibliographic Data**

Application Number:	10/309,297	Customer Number:	-
Filing or 371 (c) Date:	12-04-2002	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	11-24-2006
Examiner Name:	WATKINS III, WILLIAM P	Location:	ELECTRONIC
Group Art Unit:	1772	Location Date:	-
Confirmation Number:	4018	Earliest Publication No:	US 2003-0108716 A1
Attorney Docket Number:	225793US0X	Earliest Publication Date:	06-12-2003
Class / Subclass:	428/141	Patent Number:	-
First Named Inventor:	Edwin Nun , Billerbeck, (DE)	Issue Date of Patent:	-

Title of Invention: Light-scattering materials which have self-cleaning surfaces

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